

**REMARKS**

This paper is presented in response to the non-final official action of October 2, 2008, wherein (a) claims 1-11 were presented, (b) claims 1 and 8 were rejected as anticipated by Patel WO 00/61200 ("Patel"), (c) claims 3 and 9 were rejected as obvious over Patel, and claims 4-7, 10, and 11 were rejected as obvious over Patel in view of Chujo, et al. U.S. 5,441,561 ("Chujo").

The "Office Action Summary" indicates that all claims 1-11 are rejected, but no basis for rejection of claim 2 has been stated.

By the foregoing, the limitations of claim 4 have been incorporated into claim 1, claims 4-6, 8, and 9 have been canceled, claim 7 has been amended to depend from claim 1, and claims 1-3, 7, 10, and 11 have been amended to improve their form.

Claims 1-3, 7, 10, and 11 are pending and at issue. Reconsideration of the application, as amended, is requested.

***Rejection under 35 USC §102(b)***

The anticipation rejection of claims 1 and 8 is believed to be moot in view of the amendment to claim 1 and the cancellation of claim 8. An indication to that effect is solicited.

***Rejections under 35 USC §103(a)***

Claim 1, as amended, corresponds to original claim 4, which was rejected as obvious over Patel in view of Chujo. Claims 2, 3, and 7 depend from claim 1. Independent claim 10 and dependent claim 11 recite an indicator commensurate in scope with that recited in claim 1, and have been rejected on the same basis as claims 1-3 and 7.

It is believed that obviousness rejection of claims 3 and 9 based on Patel taken alone are moot in view of the amendment to claim 1 and the cancellation of claim 9; an indication to that effect is solicited.

The obviousness rejection of claims 4-7, 10, and 11, as applicable to amended claims 1, 3, 7, 10, and 11 is respectfully but strongly traversed. Reconsideration is requested. (No basis for rejection of claim 2 was stated in the official action.)

As recognized in the action, Patel does not disclose a plasma-sterilization indicator containing an adsorption indicator and/or a metal chelate-titration indicator, an organic metal compound, and a polyvalent alcohol.

Chujo discloses an ink-jet recording ink comprising water-soluble organic solvents including polyhydric alcohols. However, Chujo discloses neither a plasma-sterilization indicator nor a sterilization packaging material capable of containing an article to be sterilized by plasma sterilization treatment.

Further, the problem to be solved in Chujo is to obtain highly precise images without generation of defects in images such as blank areas, fluctuations in dot diameter, or disturbances in the shape of dots (see the "Summary of the Invention" section of Chujo). In the present invention, polyvalent alcohols (C) are used in order to increase the discoloration speed of the indicator (see the fifth paragraph on page 9 of the present specification), while alcohols in Patel are merely taught as one of several general additives.

Thus, one skilled in the art would not be motivated to combine these references to arrive at the present invention since the technical field and the problems to be solved are quite different in the two references and contain neither a teaching nor a suggestion that might lead a skilled reader to the present invention.

Therefore, it is submitted that the present invention is not obvious over Patel taken in view of Chujo, and withdrawal of the obviousness rejection and allowance of all claims 1-3, 7, 10, and 11 are solicited.

Should the examiner wish to discuss the foregoing or any matter of form in an effort to advance this application toward allowance, she is urged to telephone the undersigned at the indicated number.

January 8, 2009

Respectfully submitted,

By 

James P. Zeller, Reg. No. 28,491  
MARSHALL, GERSTEIN & BORUN LLP  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Attorney for Applicant